

Remarks/Arguments

The present reply is made in response to the non-final Office Action dated June 29, 2006 and identified as Paper No. 062006. Claims 11-17 are pending.

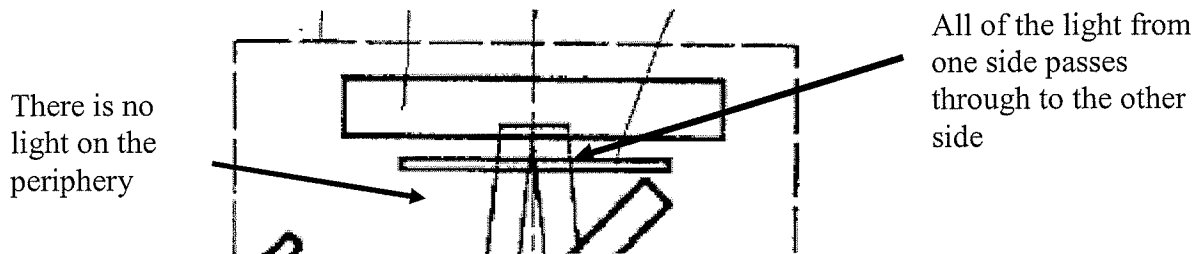
In the Action, the Examiner rejected claims 11-15 under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 5,748,296 to Canteloup (“*Canteloup*”). Claims 16-17 were rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,748,296 to Canteloup (“*Canteloup*”) in view of U.S. Patent No. 6,867,420 to Mathies (“*Mathies*”).

With respect to claims 11-15, the Examiner determined that *Canteloup* disclosed the claimed filter having a first region having a first transmittance and a second region having a second transmittance that is different than the first. In addition, the Examiner determined that Fig. 2 of *Canteloup* shows transmittance through the center of the filter, thereby disclosing a filter having two different regions of transmittance.

The structure identified by the Examiner in *Canteloup* (filter 23) is simply a filter that protects an imaging camera 15 from harmful or “dazzling” wavelengths. *See* col. 3, lines 59-61. It is unclear how the Examiner reached the conclusion that the filter had more than one region of transmittance as specifically required by claim 11. The illustration of the path of radiation through the filter has absolutely nothing to do with the composition of the filter. In fact, the illustration of the path of energy in Fig. 2 shows that ***all*** of the energy coming from the objective 13 on one side of the filter passes through the filter. Thus, Fig. 2 does not even disclose a single region of filtering. As explained in the specification of *Canteloup*, the filter has only a single transmittance at any particular time. *See* col. 3, lines 59-61.

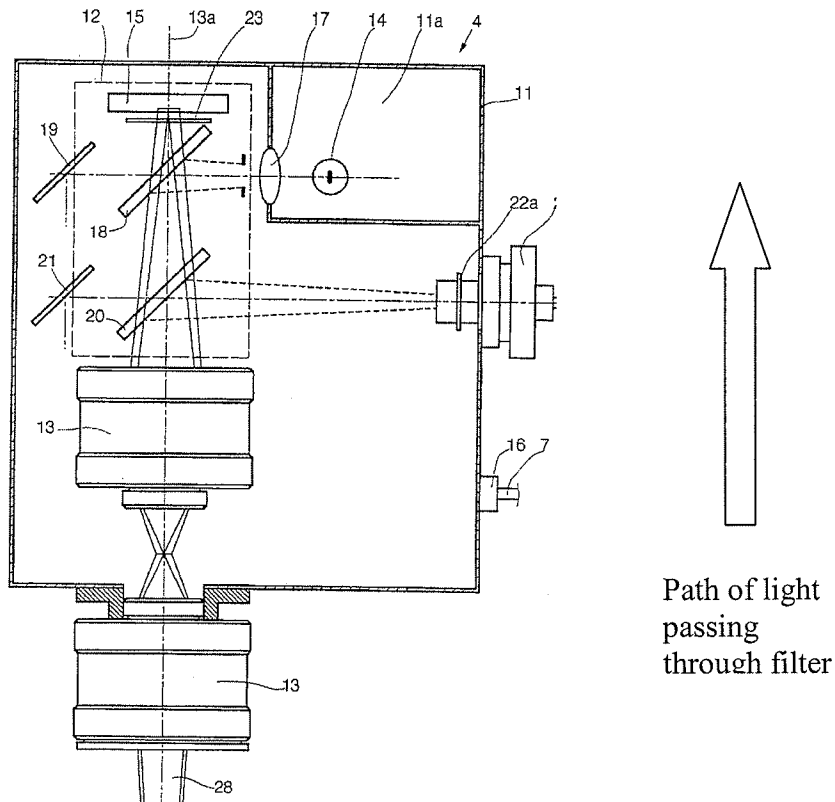
The path of energy shown in Fig. 2 simply illustrates how a beam of light is concentrated or spread throughout the invention of *Canteloup* and has nothing to do with the filtering or

transmission characteristics of the filter. As seen in the portion of Fig. 2 reproduced below, the light from one side of the filter is also seen on the other side. Thus, it was improper of the Examiner to deduce that the filter is only filtering in the central region, but not the periphery, as there is no light impinging on the periphery that would reveal how the filter operates.



Even if Fig. 2 supported the conclusion that the periphery of the filter blocked all light and the central portion transmitted the light, the filter of *Canteloup* would still lack the claimed second region having a second transmittance because only the central portion actually allows any light to pass (the absence of transmittance cannot, by definition, be transmittance). Thus, no matter how Fig. 2 is interpreted, it fails to disclose the limitation recited in claim 11.

With respect to dependent claims 12-15, the Examiner has the operation of filter 23 in *Canteloup* completely backwards. The filter blocks harmful rays from reaching the camera, and has nothing do with attenuating the energy used for the etching process as in the claimed invention. As seen in the portion of Fig. 2 reproduced below, the light that is filtered by filter 23 is reflected from the surface of the etching chamber 1 (see Fig. 1) and enters the monitoring unit 4 through objective 13. Filter 23 thus has nothing to do with the etching process as it simply protects camera 15.




With respect to claims 16-17, the proposed combination of *Canteloup* and *Mathies* fails to disclose all of the elements of the claimed invention because *Canteloup* fails to disclose the filter recited in claim 11, as described above.

Enclosed is a Petition for a Two Month Extension of Time. Authorization is hereby given to charge any fees due hereunder to Deposit Account No. 50-1546.

The Examiner is urged to contact the undersigned at 315-218-8515 with any questions.

Respectfully submitted,

Dated: November 9, 2006

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Response to Office Action Dated June 29, 2006
Application Serial No. 10/721,657
Amendment dated November 9, 2006

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